

AMENDMENT UNDER 37 C.F.R. § 1.116
U.S. Application No.: 10/092,623
Attorney Docket: Q68827

REMARKS

Claims 24-31 are all the claims pending in the application.

Applicant adds new claims 43-46 to provide an alternate scope of coverage of the Applicant's invention in the claims.

The Examiner rejects claims 24-31 under 35 U.S.C. §103 (a) as being unpatentable over Barinaga (U.S. Patent 6,030,074) in view of Yoshizawa et al. (JP 08230204A), Wilson et al. (U.S. Patent 6,010,210) and Nakazawa et al. (EP Pat. 0928694). Applicant respectfully traverses this rejection.

The Examiner acknowledges that Barinaga does not disclose the ink pack press member claimed in claim 24. The Examiner cites rib 4a of Yoshizawa to supply this deficiency in Barinaga, but the Examiner implicitly acknowledges that Yoshizawa does not disclose that the rib 4a is separate from the cartridge case as required by claim 24. The Examiner cites the stiffener of Wilson (elements 1134 and 1136) to supply this deficiency. The Examiner does not cite Nakazawa to disclose any of the features of claim 24, but rather relies on it to disclose the features of claims 29-31 which depend from independent base claim 24. The Examiner alleges that the combination of Barinaga, Yoshizawa and Wilson teaches all of the features claimed in claim 24. Applicant respectfully disagrees.

It would not have been obvious at the time of the invention to combine the teaching of Yoshizawa relating to rib 4a with the teaching of Wilson relating to stiffeners 1134 and 1136, because the function of these structures in the two references is different and incompatible. In particular, Wilson discloses that the stiffener elements 1134, 1136 are attached to opposite side wall portions of the reservoir. The purpose of the stiffeners is to improve the repeatability of

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collapse geometry of the sides of the bag so that the ink level sensing signal provided by the ink level sensor has improved repeatability (Wilson, column 7, lines 1-7). The collapsing of the sides of the bag caused by stiffeners 1134 and 1136 is sensed by the printing system, which infers an ink level (Wilson, column 7, lines 14-19). By contrast, the ribs 4a of Yoshizawa are to suppress lateral movement of the ink container as well as to protect it from impact and vibration.

Wilson does not suggest modifying the structure of Yoshizawa to separate the ribs from the cartridge case. Furthermore, the references are not combinable because the ribs 4a of Yoshizawa and the stiffeners of Wilson serve different and incompatible purposes. The purpose of the stiffeners in Wilson is to collapse the bag, whereas the ribs of Yoshizawa are designed to protect the ink container from any such impact or movement. Separating the ribs from the case in Yoshizawa and replacing them with the stiffeners of Wilson as the Examiner suggests would defeat the stated purpose of those ribs, which is to provide structural reinforcement and protection of the ink container.

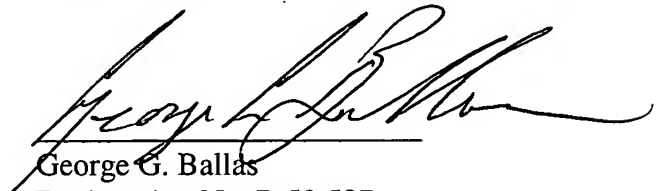
At least for these reasons, the combination of Barinaga, Yoshizawa and Wilson does not teach or suggest all of the features of Applicant's invention as claimed in claim 24. Claims 25-31 and new claims 43-46 are allowable at least by virtue of their dependence on base claim 24.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned attorney at the telephone number listed below.

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The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,


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PATENT TRADEMARK OFFICE

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APPENDIX

VERSION WITH MARKINGS TO SHOW CHANGES MADE

IN THE CLAIMS:

Claims 43-46 are added as new claims.

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